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Interim Class Counsel and Counsel for Plaintiffs

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

**IN RE TRANSPACIFIC PASSENGER)
AIR TRANSPORTATION)
ANTITRUST LITIGATION)**

Case No. 07-cv-05634-CRB

MDL No. 1913

This Document Relates to:

Wortman et al., v. Air New Zealand et al.,
Case No. 07-05634-CRB

**ADMINISTRATIVE MOTION TO
CONSIDER WHETHER CASES SHOULD
BE RELATED PURSUANT TO CIVIL
LOCAL RULE 3-12**

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RELATED PURSUANT TO CIVIL LOCAL RULE 3-12**

Case No. 07-CV-05634-CRB

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that Interim Class Counsel submit this Administrative Motion to Consider Whether Cases Should be Related to *Wortman et al., v. Air New Zealand et al.*, Case No. 07-05634-CRB, pursuant to Civil Local Rules 3-12 and 7-11.

A. INTRODUCTION

The Judicial Panel on Multidistrict Litigation has transferred to this Court for coordinated pretrial proceedings certain antitrust actions relating to an alleged conspiracy to fix, raise, maintain, and/or stabilize prices for certain long haul passenger flights to and from Asian and Pacific countries and for fuel surcharges on this transportation. The corresponding Multidistrict Litigation Number is MDL-1913.

On March 17, 2008, this Court entered Pretrial Order #1 ("PTO#1"), Docket No. 98. PTO#1 provides *inter alia* for all related actions to be consolidated with the instant action and establishes a Master Docket File styled "*In Re: Transpacific Passenger Air Transportation Antitrust Litigation*" under the identification C 07-5634.

The below listed cases meet the requirements of Civil Local Rule 3-12 to be related to the instant case. Interim Class Counsel respectfully request that the Court issue an order formally relating the below listed cases with the instant case so that the cases may be consolidated pursuant to PTO#1.

B. RELATED CASES

The following actions are related to the instant case:

1. *Schelly et al. v. Air New Zealand et al.*, Case No. 07-06071-MMC, complaint filed in the Northern District of California on November 30, 2007;
2. *Clark et al. v. Air New Zealand et al.*, Case No. 07-06357-MMC, complaint filed in the Northern District of California on December 14, 2007;
3. *Adlin v. Air New Zealand et al.*, Case No. 07-06410-EDL, complaint filed in the Northern District of California on December 18, 2007;

4. *Feigenbaum v. Air New Zealand et al.*, Case No. 08-00308-BZ, complaint filed in the Northern District of California on January 16, 2008;
5. *Labarge v. Air New Zealand et al.*, Case No. 08-00487-SC, complaint filed in the Northern District of California on January 23, 2008;
6. *Frederick v. Air New Zealand et al.*, Case No. 08-00615-MEJ, complaint filed in the Northern District of California on January 25, 2008;
7. *Hirai v. Air New Zealand et al.*, Case No. 08-01453-CRB, complaint filed in the Northern District of California on March 17, 2008.

C. RELATIONSHIP OF THE ACTIONS

The Administrative Motion is made on the grounds that the actions referred to above involve substantially overlapping parties and events. All actions allege that defendants engaged in a conspiracy to fix, raise, maintain, and/or stabilize prices for certain long haul passenger flights to and from Asian and Pacific countries and for fuel surcharges on this transportation, in violation of the Sherman Act, 15 U.S.C. § 1.

Pursuant to Local Rule 3-12(a)(2), it appears likely that there will be an undue burdensome duplication of labor and expenses or the possibility of conflicting results if the cases are conducted before different Judges. Therefore, it will be more efficient for all cases to proceed before the same Judge so that these analyses and determinations are made by one Court.

D. CONCLUSION

The actions referred to above satisfy the criteria of Rule 3-12. Therefore, plaintiffs

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1 respectfully request that the cases listed above be deemed related to *Wortman et al. v. Air New*
2 *Zealand et al.*, and that they be assigned to the Honorable Charles R. Breyer.

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4 DATED: April 10, 2008

COTCHETT, PITRE & McCARTHY

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6 /s/ Stuart G. Gross
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